



## Regulations Relating to the Employment of Academic Staff

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*Full history appears at the end of this document.*

The following sections of the *Regulations Relating to the Employment of Academic Staff* have been repealed:

**Sections 1-5** replaced by the *Regulations Relating to the Employment of Tenure Track and Tenured Academic Staff* (effective September 1 2012).

**Section 6** replaced by the *Regulations Relating to the Employment of Contract Academic Staff* (effective September 1 2010).

**Section 7** replaced by the *Regulations Relating to the Employment of Contract Academic Staff* (effective September 1 2010) and the *Regulations on Retirement of Academic Staff* (effective September 1 2013).

**Section 8** tenure appeals replaced by the *Regulations on Appeals of Tenure Decisions* (effective February 26 2015).

**Appendix A** - Guidelines for Developing a Teaching Portfolio replaced by the *Regulations Relating to the Employment of Tenure Track and Tenured Academic Staff* (effective September 1 2012).

The following sections of the *Regulations Relating to the Employment of Academic Staff* remain in force:

**Section 8** – Appeals on Reappointment

**Section 9** – Discipline: Reprimand, Suspension, and Dismissal of a Staff Member for Cause;

**Section 10** – Composition and Operation of the Committee on Staff Grievances and Disciplinary Procedures;

**Section 11** – Staff Grievances;

**Section 12** – Disciplinary Hearings;

**Section 13** – Arbitration;

**Section 14** – Amendment and Repeal.

### **Section 1 - Preamble, Definitions, and Notices**

- 1.1 The regulations herein set out the general terms of employment by the University of the tenure track and tenured academic staff, relating to appointments, renewals of appointment, tenure, and dismissals.
  - 1.1.1 These regulations do not apply to academic staff governed by “Regulations Relating to the Employment of Librarian Staff” and the “Regulation Relating to the Employment of Contract Academic Staff.”
- 1.2 All appointments, renewals of appointment, and reappointments are made by the Board of Governors in accordance with Article 1.3.1 of the University Statutes or by the Provost in accordance with the Regulations Relating to the Approval of Contracts and Signing Authority (Academic Contracts of Employment and Academic Administrative Appointments) and shall be evidenced by a letter signed by the Secretary-General or the Provost as the case may be, hereinafter referred to as “official letter of appointment”.
- 1.3 **Definitions:**
  - 1.3.1 “Academic year” denotes the period from the 1st of September to the 31st of August next following.
  - 1.3.2 “Academic duties” of a member of the tenure track and tenured academic staff include:
    - i) teaching (graduate and undergraduate classes and supervision of individual student programs);
    - ii) research and other original scholarly activities, and professional activities; and iii) other contributions to the University and scholarly communities.
  - 1.3.3 “Departmental chair” includes directors of schools and deans of faculties where there are no departmental chairs.

- 1.3.4 "Tenure" means an appointment for an unlimited term which carries with it the right not to be dismissed except for cause and can only be acquired by grant under these regulations.
- 1.3.5 "University Tenure Committee" means the committee of Senate referred to in Section 5.11 of these regulations.
- 1.3.6 "Staff member" means a member of the tenure track or tenured academic staff. 1.3.7 "The Principal" means the Principal of McGill University, appointed under the Charter and Statutes thereof, or the officer discharging the Principal's duties for the time being, and includes (except in the case of Section 13.1) any University officer generally or specially delegated by either of the former to discharge any of the duties or exercise any of the rights of the Principal under these regulations; such delegation to be valid must be made in writing and deposited on open record in the Secretary-General's office.
- 1.3.8 "Advisor" means a member of the University community who has agreed to act in an advisory capacity to a member of the academic staff. Such individuals act in accordance with these regulations and are deemed, in so doing, to perform part of their academic duties. They do so without receiving additional remuneration. An advisor shall be accorded full respect by the University's administrative officers.
- 1.4 All references to academic rank in these regulations refer to academic rank in McGill University only, unless the context clearly indicates the contrary.
- 1.5 Any notice required to be communicated under these regulations may be communicated by delivery personally to the member of the academic staff addressed, at his or her office within the University, or by registered mail with acknowledgement of receipt card to his or her last address recorded with the University administration. Any notice sent in accordance with this subsection shall be deemed to be received on the earlier of
- a) the day it was actually received, or
  - b) the fourth day after mailing.

## **Section 2 - Appointment of Tenure Track and Tenured Academic Staff**

- 2.1 The tenure track and tenured academic staff of the University consists only of those persons who are so designated in their official letter of appointment from the Secretary-General or the Provost as the case may be or his or her nominee.
- 2.2 All full-time academic appointments shall further be designated as being:
- a) for a limited term, or
  - b) for an unlimited term without tenure, or
  - c) for an unlimited term with tenure.
- Persons on unlimited term contracts without tenure are subject to termination on 37 weeks' notice.
- 2.3 Upon recommendation of deans of the faculties, all academic appointments shall be made by either the Provost or the Board of Governors following approval and presentation by the Principal, as the case may be. These appointments shall be recommended to the dean by the appropriate departmental chairs.
- 2.4 In cases where a person is to serve in more than one faculty or department of the University, the respective deans and departmental chairs shall all recommend the appointment.
- 2.5 Notification of reappointment or termination of appointment of a staff member engaged for a limited term shall be given at least 37 weeks before the termination date of the staff member's current appointment. Subject to Section 8.15, in the event that such notification has not been given as prescribed and notwithstanding Section 4, the appointment shall be extended for one year.
- 2.5.1 Section 2.5 does not apply to any staff member whose term of appointment is one year or less and whose letter of appointment specifies that this appointment is not subject to renewal.

### **Section 3 - Duties of Tenure Track and Tenured Academic Staff**

- 3.1 A staff member is expected to be engaged throughout the academic year primarily in the staff member's academic duties and to be available for such duties at the University at such times as teaching, research, or administrative or other academic duties including counselling and registration may require and, as a minimum, from the first day of September to the day following the spring convocation.
- 3.2 The allocation of academic duties is the responsibility of the departmental chair. The departmental chair shall take into account the pattern of such allocation obtaining within the department, faculty, and University.

### **Section 4 - Ranks of Tenure Track and Tenured Academic Staff**

- 4.1 A staff member shall be appointed to one of three ranks: assistant professor, associate professor, or full professor.
- 4.1.2.1 An assistant professor shall be appointed for an initial term of three years. An assistant professor may be reappointed at this rank for a term of one, two, or three years provided that the appointment and reappointments shall not exceed in aggregate seven years. No later than the sixth year as an assistant professor, the staff member shall be considered for tenure and promotion to associate professor. The result of that consideration shall be communicated to the assistant professor in accordance with Section 2.5.

Subject to the foregoing paragraph, an assistant professor who has been denied tenure upon mandatory consideration for tenure in her or his sixth year may be reappointed for a terminal year.

- 4.1.2.2 An associate professor shall be appointed

- i) for an initial term of three years; or
- ii) with tenure.

An associate professor appointed for an initial term of three years may be reappointed at this rank for a term of one, two, or three years provided that the appointment and reappointments shall not exceed in aggregate six years. No later than the fifth year as an associate professor, the staff member shall be considered for tenure. The result of that consideration shall be communicated to the associate professor in accordance with Section 2.5.

Subject to the foregoing paragraph, an associate professor who has been denied tenure upon mandatory consideration for tenure in her or his fifth year may be reappointed for a terminal year.

- 4.1.3 Each department, school or institute, or faculty when there are no departments, shall establish written criteria for the reappointment of assistant professors and associate professors. These criteria shall evaluate the staff member's performance of academic duties in anticipation of meeting the requirements for tenure as set out in Section 5.10.
- 4.1.3.1 The criteria for reappointment shall be approved by the dean of the faculty who shall consult with an appropriate committee of the faculty prior to their approval.
- 4.1.3.2 The criteria for reappointment shall be communicated in writing to the staff member by the chair, director, or dean where there are no departments, no later than 60 days after the initial appointment.
- 4.1.3.3 At the time of consideration for reappointment the staff member shall provide the chair, director, or dean when there are no departments, with the necessary information and documentation to establish that the criteria for reappointment have been met. It is the responsibility of the staff member to use diligence in pursuing his or her claim to reappointment. Evidence of performance in teaching shall be prepared in accordance with Teaching Portfolio Guidelines (Appendix A).
- 4.1.3.4 The chair, director, or chair of a faculty committee when there are no departments, shall consult with an appropriate committee of the staff member's academic unit concerning the reappointment prior to submitting a written report to the dean of the faculty recommending either reappointment for a specified period of time or non-renewal. The report shall contain substantive written reasons and shall be copied to the candidate.

4.1.4 A full professor shall be appointed for

- a) a term of five years; or
- b) with tenure.

No later than the fourth year as a full professor without tenure the staff member shall be considered for tenure.

A full professor who has been denied tenure upon mandatory consideration for tenure in her or his fourth year may be reappointed for a terminal year.

4.2 No university, faculty, or departmental committee shall make a negative recommendation at the time of mandatory consideration or application for reappointment, tenure or promotion without giving the staff member concerned an opportunity to appear before the committee, accompanied by an advisor, if he or she so wishes, to state his or her case.

4.2.1 In those instances where the dean disagrees with the positive recommendation of a department, school, or faculty committee for reappointment, the dean shall notify the staff member in writing that he or she is tending to a negative decision and shall provide the staff member with written reasons and an opportunity to appear before him or her (accompanied, if the staff member wishes, by an advisor) prior to reaching a final decision.

4.3 The Principal shall consult with a statutory selection committee in accordance with Article 3.4.3 of the University Statutes prior to recommending appointments to the rank of full professor to the Board of Governors. In the case of new appointments where the candidate has attained the rank of full professor at a recognized institution of higher learning, the Principal may recommend appointment at that rank having consulted with the dean of the faculty.

4.3.1 The recommendation to the Principal that a statutory selection committee be established to consider the promotion of an associate professor to the rank of full professor shall come from the dean of the faculty concerned, in accordance with the established procedures of that faculty.

4.3.2 The procedures followed by a faculty in recommending the establishment of a statutory selection committee shall include consideration of the recommendations of the candidate's department, school, or institute with respect to his or her promotion.

4.3.3 In those faculties where there are no departments, the faculty committee charged with the matter shall be deemed to be the department.

4.3.4 In those cases where the candidate initiates the request for promotion to full professor, the candidate shall request his or her department to make a judgment as to whether it will ask the dean to recommend, in accordance with the established procedures for that faculty, that a statutory selection committee be established.

4.3.5 An answer in writing to the candidate's request to the department, giving its reasons for the departmental decisions, must be notified to the candidate within a period of six months, failing which the candidate may appeal directly to the dean to consider the request, in accordance with the established procedures of that faculty.

4.3.6 Should the dean, with or without the advice of faculty committees, decline to recommend the establishment of a statutory selection committee, recommended or requested under the provisions of Sections 4.3.2, 4.3.3, 4.3.4, or 4.3.5, the dean shall so notify the candidate in writing within six months after receiving the said recommendation or request, giving the reasons for his or her decision.

4.3.7 The recommendation from the dean to the Principal to establish a statutory selection committee shall include a brief report of the membership of, and the procedures followed by, relevant departmental and faculty committees that considered this promotion, including any changes in the membership of the committees that may have occurred in the interim. A copy of the recommendation shall be sent to the candidate.

4.3.8 The dossier presented to the statutory selection committee, through the Secretary-General, shall consist of a curriculum vitae, a list of publications, a teaching dossier prepared in accordance with Teaching Portfolio Guidelines (Appendix A), at least three confidential letters of reference from recognized authorities in the candidate's field external to the University, and the written recommendation of the chair of the department, or director of the school, or chair of the faculty

committee provided for in Section 4.3.3 of these regulations, with a copy to the candidate. If the provisions of Section 4.3.5 are invoked, the recommendation shall come from the chair of an appropriate committee of the faculty.

- 4.3.9 After receiving a copy of the recommendation of the chair of the department or faculty committee provided for in Section 4.3.8, the candidate may submit to the Secretary-General within 30 days a written statement, with a copy to the chair, supporting his or her claim to promotion.
- 4.3.10 The letters of reference referred to in Section 4.3.8 shall be solicited by the dean of the faculty from a list of six names agreed upon by the candidate, the departmental chair, and the dean. In the case of small faculties, as defined in Article 3.4.2 of the University Statutes, or in faculties where there are no departments, the Provost shall solicit the letters of reference from a list agreed upon by the candidate and the dean. If the departmental chair or faculty committee has requested letters of reference from any of the external evaluators during the immediately preceding two years, this fact must be noted on the list.
- 4.3.11 All letters of reference solicited by the dean or the Provost shall be forwarded to the Secretary-General for inclusion in the candidate's dossier.
- 4.3.12 If the candidate and the departmental chair (or dean in the case of small faculties) cannot agree on the choice of external referees, the dean (or Provost in the case of small faculties) shall make up the list, after consultation with the candidate and the departmental chair and (in the case of small faculties, the dean) with a copy to each of those consulted.
- 4.4 Notwithstanding the provisions of Sections 4.3.1 to 4.3.10:
- 4.4.1 Any full-time associate professor who has served at least 10 years at that rank shall have the right to request the Principal directly to establish a statutory selection committee to consider his or her promotion to full professor. This written request shall include the candidate's curriculum vitae, a list of publications, and a statement of reasons by the candidate in support of the request.
- 4.4.2 The Principal may not refuse this request unless the candidate is ineligible for consideration under the provisions of Section 4.4.1. The Principal shall notify the candidate in writing whether the request is accepted or denied within 30 days. If the request is denied, the Principal shall provide the candidate with reasons.
- 4.4.3 Following the Principal's decision to accept the request, the Principal shall, without undue delay, ask the departmental chair (or the chair of the faculty committee described in Section 4.3.3) for his or her recommendation with respect to the candidate's promotion, including a brief report on the membership of, any changes in the membership of and the procedures followed by, relevant departmental committees that considered this promotion, with a copy to the candidate. If no recommendation is forthcoming within four months from the department, the statutory selection committee shall proceed without it. The dean shall provide a brief report to the statutory selection committee of the relevant procedures followed by the faculty, with a copy to the candidate.
- 4.4.4 The statutory selection committee shall meet within six months of the Principal's decision to establish the committee.
- 4.4.5 For candidates considered under the provisions of Sections 4.4.1 and following, the dossier presented to the statutory selection committee, through the Secretary-General, shall consist of a curriculum vitae, a list of publications, a teaching dossier prepared in accordance with Teaching Portfolio Guidelines (Appendix A), at least three confidential letters of reference from recognized authorities in the candidate's field external to the University, and the written recommendation of the departmental chair (unless the committee has proceeded without a departmental recommendation under the provisions of Section 4.4.3).
- 4.4.6 After receiving a copy of the departmental recommendation provided for in Section 4.4.3, the candidate may submit within 30 days a written statement to the chair of the selection committee supporting his or her claim to promotion.
- 4.4.7 The letters of reference for a candidate considered under the provisions of Sections 4.4.1 and following shall be solicited by the Provost from a list of six names established after consultation with the candidate, the chair of the department, and the dean. If the parties cannot agree on the choice of external referees proposed by the Provost after consultation, the Provost shall make up the list using at least one of the names proposed by the candidate, the chair of the department, and the dean, with a copy to each of the foregoing.

- 4.5 In the case of a negative recommendation by a statutory selection committee, the chair of the committee shall so inform the candidate, in writing, providing the committee's reasons.

## **Section 5 - Tenure of Academic Staff**

### Preamble

- 5 Tenure-track staff members at McGill University and persons being appointed to tenure-track positions who already hold academic appointments at other universities or scholarly institutions are eligible for consideration for tenure in accordance with these Regulations.

### Consideration for Tenure

- 5.1 Every tenure-track assistant professor shall be considered for tenure and promotion to the rank of associate professor no later than during the sixth academic year of appointment to the rank of tenure-track assistant professor.
- 5.1.1 A tenure-track assistant professor who is granted tenure shall be promoted to the rank of associate professor.
- 5.1.2 A tenure-track assistant professor may apply for consideration for tenure and promotion no earlier than the third year of her or his appointment to that rank. The department or, in the case of faculties without departments, the faculty, on the other hand, may, with the consent of the assistant professor, initiate such consideration at any time.
- 5.2 Every tenure-track associate professor shall be considered for tenure:
- i) during the fifth academic year of appointment to that rank; or
  - ii) when being considered for promotion from associate professor to full professor under Section 4.4 of the regulations.
- 5.2.1 Every tenure-track associate professor who has not been considered for tenure in that rank under Section 5.2 is entitled to one consideration for tenure at any time at her or his own request. This consideration shall take place in the ordinary course commencing in May following the request.
- 5.2.2 Where a statutory selection committee appointed in accordance with Article 3.4.3 of the University Statutes recommends that a member of the tenure-track staff be promoted to full professor, it shall also recommend a grant of tenure.
- 5.3 Every tenure-track full professor shall be considered for tenure during the fourth academic year of appointment to that rank.
- 5.3.1 Every tenure-track full professor who has not been considered for tenure in that rank under Section 5.3 is entitled to one consideration for tenure at any time at her or his own request. This consideration shall take place in the ordinary course commencing in May following the request.
- 5.4 Subject to Sections 5.4.1 and 5.4.2, the calculation of years of service for tenure consideration under Sections 5.1, 5.2 i) and 5.3 shall begin June 1 of the calendar year of first appointment to tenure track.
- 5.4.1 The staff member shall elect, as provided in the regulations, policies, and guidelines on leaves, whether to include or exclude as periods of service for tenure consideration periods of authorized leave for which such election is provided from time to time in University regulations, policies and guidelines on leaves for academic staff.
- 5.4.2 The staff member shall elect whether to include or exclude as periods of service for tenure consideration periods of authorized short-term disability, long-term disability leaves, or other leaves provided for by applicable legislation, where such leave or leaves are longer than three consecutive months.
- 5.4.3 A staff member's election under Sections 5.4.1 and 5.4.2 shall be communicated in writing to the Provost, with a copy to the chair and dean, no later than August 31 of the year of consideration in which the staff member would normally be subject to mandatory tenure consideration.
- 5.5 For purposes of the tenure regulations the "year of consideration" shall be defined as the thirteen month period from May 1 to May 31 of the following calendar year.

- 5.6 Any tenure-track staff member who wishes to initiate early consideration for tenure under Sections 5.1.2, 5.2.1 or 5.3.1 shall so notify her or his chair and dean in writing no later than April 15 immediately preceding the commencement of the year of consideration in which he or she wishes to be considered.
- 5.6.1 Where the staff member has been appointed by the Board of Governors in more than one academic unit, the written notification shall be submitted to all relevant chairs and deans.
- 5.7 The dean of each faculty shall notify the Secretary-General in writing by May 1 of the year of consideration of the names of all staff members who, under Sections 5.1, 5.2 i) and 5.3, shall be considered for tenure during that year of consideration. The dean shall include in the list the names of staff members who have requested early consideration for tenure under Sections 5.1.2, 5.2.1 and 5.3.1.
- 5.7.1 It is the responsibility of deans to ensure that the deadline stipulated in Section 5.7 is respected.
- 5.8 The effective date of a grant of tenure shall be June 1 of the calendar year in which the grant of tenure is approved by the Board of Governors.

**Due Diligence**

- 5.9 It is the responsibility of the staff member being considered for tenure (herein, “the candidate”) to prepare and pursue her or his case for tenure.

**Tenure Criteria**

- 5.10 The Departmental Tenure Committee and the University Tenure Committee, hereinafter provided for, and the Principal or her or his delegate shall base their recommendations on the candidate’s performance of academic duties as defined in Section 1.3.2 of the regulations. Superior performance in two of the categories set out in Section 1.3.2 of the regulations and reasonable performance in the third shall be the minimum requirement for the granting of tenure.

**Tenure Committees**

- 5.11 Except as provided in Section 5.53 the case of each candidate shall be considered by a Departmental Tenure Committee and subsequently by a committee of Senate, called the University Tenure Committee for the Faculty (herein “University Tenure Committee”).
- 5.11.1 For the purposes of Section 5 in faculties without departments and, where appropriate, in schools, there shall be established in accordance with these regulations a committee called the Departmental Tenure Committee.
- 5.11.2 For the purposes of Section 5 the term “department” shall be deemed to include a “school”.
- 5.12.1 The Departmental Tenure Committee shall make a recommendation to the University Tenure Committee regarding the granting of tenure to the candidate based on the criteria in Section 5.10 and, in doing so, shall represent the judgment of the academic units in which the candidate has been appointed by the Board of Governors.
- 5.12.2 The University Tenure Committee shall make a recommendation to the Principal regarding the granting of tenure to the candidate based on the criteria set out in Section 5.10.
- 5.13 No committee member shall serve at two or more levels of the tenure consideration process of any one candidate in the same year of consideration.
- 5.14 Except as provided for in the regulations neither members of the Departmental Tenure Committee, nor members of the University Tenure Committee, nor the Principal or her or his delegate shall make outside consultations concerning any candidate’s consideration for tenure.
- 5.15 No later than September 1 of the year of consideration, candidates shall be informed of the composition of the Departmental Tenure Committee and the University Tenure Committee by the chair of each committee.
- 5.15.1 Reasonable efforts shall be made by the department and the faculty to give due consideration to the gender representation of the tenured academic staff of the department and the faculty when selecting members for the Departmental Tenure Committee and the University Tenure Committee.

#### Departmental Tenure Committee: Chair

- 5.16 Subject to Sections 5.16.1, 5.16.2, 5.17 and 5.18, the Departmental Tenure Committee shall normally be presided over by the chair of the department in which the candidate holds appointment.
- 5.16.1 Notwithstanding Section 1.3.3 of the regulations, in faculties with no departments, the chair of the Departmental Tenure Committee shall be chosen from amongst members of the tenured academic staff of the faculty, excluding the dean, associate deans, vice-principals, associate vice-principals, the Provost, the Deputy Provost, and associate provosts, by an established documented collegial process approved by the dean of the faculty.
- 5.16.2 In departments where the chair is not tenured, or in the event that the chair is unable to chair the Departmental Tenure Committee, or is disqualified for cause or conflict of interest, the chair of the Departmental Tenure Committee shall be chosen from amongst members of the tenured academic staff of the department, excluding the dean, associate deans, vice-principals, associate vice-principals, the Provost, the Deputy Provost, and associate provosts, by an established documented collegial process appropriate to the department approved by the dean of the faculty.
- 5.17 Subject to Sections 5.17.1 and 5.17.2, where a candidate has been appointed by the Board of Governors in two or more departments and/or faculties without departments, the chairs of the relevant departments and/or the persons chosen under Section 5.16.1 and 5.16.2 shall consult amongst themselves and decide who shall chair the Departmental Tenure Committee.
- 5.17.1 If no agreement is reached under Section 5.17, the chair of the Departmental Tenure Committee shall be chosen by the dean or deans of the faculty or faculties in which the candidate holds appointment.
- 5.17.2 If no agreement is reached under Section 5.17.1, the chair of the Departmental Tenure Committee shall be chosen by the Provost.
- 5.18 Under exceptional circumstances a dean from a faculty other than that in which the candidate is appointed shall preside over the Departmental Tenure Committee if Senate so orders.
- 5.19 The chair of the Departmental Tenure Committee shall have both voice and vote.

#### Departmental Tenure Committee: Membership

- 5.20 Subject to Sections 5.22.1 and 5.22.2, the Departmental Tenure Committee for a candidate who is appointed in a single department shall be composed of the chair and at least four other members of the department, who shall be chosen from amongst tenured academic staff members through an established documented collegial process appropriate to the department and approved by the dean of the faculty. Two alternate committee members shall also be chosen in accordance with the same procedures.
- 5.20.1 In faculties with no departments, members of the Departmental Tenure Committee shall be chosen from amongst members of the tenured academic staff holding an appointment in the faculty, excluding the dean, associate deans, vice-principals, associate vice-principals, the Provost, the Deputy Provost, and associate provosts, by an established documented collegial process appropriate to the faculty and approved by the dean of the faculty.
- 5.20.2 In departments unable to fill places on the Departmental Tenure Committee due to an insufficient number of available tenured staff members, the dean of the faculty, using an established documented collegial process appropriate to the faculty, shall select members of the tenured academic staff from within the faculty, excluding the dean, associate deans, vice-principals, associate vice-principals, the Provost, the Deputy Provost, and associate provosts, to make up the balance of the Departmental Tenure Committee.
- 5.20.3 In a faculty without departments that is unable to fill places on the Departmental Tenure Committee due to an insufficient number of available tenured staff members, the Provost, using an established documented collegial process appropriate to the University and approved by the Provost, shall select members of the tenured academic staff from the University, excluding deans, associate deans, vice-principals, associate vice-principals, the Provost, the Deputy Provost, and associate provosts, to make up the balance of the Departmental Tenure Committee.
- 5.20.4 The documented collegial processes referred to in Section 5.20, 5.20.1 and 5.20.2 shall be publicly available at the commencement of the tenure consideration process in each year of consideration, and candidates shall be made aware of the location of this documentation.



- 5.21 Where a candidate has been appointed by the Board of Governors in two or more departments and/or faculties without departments, the composition of the Departmental Tenure Committee shall be determined by the chairs of the departments and the deans of the faculties without departments, as appropriate.
- 5.21.1 If no agreement is reached under Section 5.21, the composition of the Departmental Tenure Committee shall be determined by the dean or deans.
- 5.21.2 If no agreement is reached under Section 5.21.1, the composition of the Departmental Tenure Committee shall be determined by the Provost.
- 5.22.1 In the event that a member of the Departmental Tenure Committee is unable to consider the case of a candidate, or is disqualified for cause or conflict of interest, an alternate member of the committee shall fill the vacancy, but only in cases where there has been no meeting at which consideration of the merit of the candidate's case for tenure has taken place.
- 5.22.2 In the event that a member of the Departmental Tenure Committee is absent from a meeting at which the merit of a candidate's case for tenure is considered, that member shall not participate in further consideration of that candidate's case for tenure.
- 5.22.3 Notwithstanding Section 5.20, where there has been a meeting at which consideration of the merit of a candidate's case for tenure has already commenced, a vacancy shall remain unfilled, and the Departmental Tenure Committee shall continue its consideration of the candidate's case for tenure with the remaining members.
- 5.23 Insofar as it is otherwise permissible under these regulations, the Departmental Tenure Committee hearing the cases of candidates from the same department or faculty without departments in a given year of consideration shall be composed of the same persons.

**University Tenure Committee: Chair**

- 5.24 Subject to Sections 5.25.1 and 5.26, the University Tenure Committee shall normally be presided over by the dean of the faculty in which the candidate holds appointment.
- 5.24.1 At the commencement of each year of consideration, the dean shall propose from amongst the tenured members of the academic staff of each University Tenure Committee for that faculty, an alternate chair to serve in the event that the dean is unable to chair the University Tenure Committee, or is disqualified for cause or conflict of interest. Alternate chairs shall be approved by the Nominating Committee.
- 5.25.1 Subject to Section 5.25.2, where a candidate has been appointed by the Board of Governors in two or more departments and/or faculties without departments, the deans of the relevant faculties shall consult and decide who shall chair the University Tenure Committee.
- 5.25.2 If no agreement is reached under Section 5.25.1, the chair of the University Tenure Committee shall be chosen by the Provost.
- 5.26 Under exceptional circumstances a vice-principal or Deputy Provost with tenure may preside over the University Tenure Committee if Senate so orders.
- 5.27 The chair of the University Tenure Committee shall have both vote and voice.

**University Tenure Committee: Membership**

- 5.28 The dean of each faculty shall appoint one or more University Tenure Committees; the number of University Tenure Committees shall be decided upon by the dean and shall be sufficient to deal with the year's cohort of tenure candidates. Each University Tenure Committee shall, in addition to the dean, consist of five members.
- 5.28.1 The dean shall appoint the first two members of each University Tenure Committee from a list of six tenured members of the faculty (the "faculty list"). The faculty shall determine the manner in which the members of the faculty list are selected. Membership of the faculty list shall be for a two-year renewable term.
- 5.28.2 The Secretary-General or her or his delegate shall appoint the other three members to each University Tenure Committee from the list approved by Senate (the "Senate list") for each faculty. The Senate list shall be composed of:

- i) in the case of faculties with departments, nine tenured members of the academic staff who do not hold appointment in the same faculty as the members chosen under Section 5.28.1; and
- ii) in the case of faculties without departments, six tenured members of the academic staff who do not hold appointment in the same faculty as the members chosen under Section 5.28.1.

Membership of the Senate list shall be for a two-year renewable term.

- 5.28.3 Appointments to University Tenure Committees from the Senate list shall be based on a system of regular rotation and take into account the availability of the members of the academic staff on the list.
- 5.29 Where a candidate holds appointments in two or more faculties, the deans of the faculties shall consult and, by June 15 of the year of consideration, agree on the composition of the University Tenure Committee which shall consider her or his case, in accordance with Sections 5.28.1, 5.28.2 and 5.31.2.
- 5.29.1 If no agreement is reached by the deans under Section 5.29, the Provost shall decide upon the composition of the University Tenure Committee from the faculty lists and the Senate lists.
- 5.30 Where the dean of a faculty has appointed more than one University Tenure Committee as allowed in Section 5.28, the Secretary-General or her or his delegate shall decide which University Tenure Committee shall consider the case of the candidate. However, all candidates from the same department or faculty without departments shall be considered by the same University Tenure Committee.
- 5.31.1 No member of the University Tenure Committee appointed under Section 5.28.1 shall hold an appointment in the same department or departments as the candidate.
- 5.31.2 No two members of the University Tenure Committee appointed by the Secretary-General under Section 5.28.2 shall hold appointments in the same faculty.
- 5.31.3 In the event that a member of the University Tenure Committee is unable to consider the case of a candidate, or is disqualified for cause or conflict of interest, the vacancy shall be filled by a member selected from the faculty list or the Senate list, as appropriate, but only in cases where there has been no meeting at which consideration of the merit of a candidate's case for tenure has taken place.
- 5.31.4 In the event that a member of the University Tenure Committee is absent from a meeting at which the merit of a candidate's case for tenure is considered, that member shall not participate in further consideration of that candidate's case for tenure and the University Tenure Committee shall continue its consideration.
- 5.31.5 Notwithstanding Section 5.28, where there has been a meeting at which consideration of the merit of a candidate's case for tenure has already commenced, a vacancy shall remain unfilled, and the University Tenure Committee shall continue its consideration of the candidate's case for tenure with the remaining members.
- 5.31.6 Senate, itself or through a committee, shall determine any challenge by a candidate for cause and any other question with regard to the composition and the procedures of the University Tenure Committee.

#### **External Evaluators**

- 5.32 In addition to evaluation by the members of the Departmental Tenure Committee and the University Tenure Committee, the research and scholarship of each candidate for tenure, other than those being considered under Section 5.53, shall be evaluated by three persons not in the employ of the University, of recognized standing and accomplishment, who are qualified to provide an evaluation of the candidate's research and scholarship, herein referred to as "external evaluators".
- 5.32.1 Prior to June 15 of the year of consideration, the chair of the department or the dean of the faculty without departments, and the candidate shall mutually agree upon a list of eight external evaluators, which list shall be approved by the University Tenure Committee.
- 5.32.2 Where the candidate holds appointment in two or more departments, and/or faculties without departments, the eight proposed external evaluators shall be mutually agreed upon by the chairs of the relevant departments and/or the deans of the relevant faculties without departments, and the

candidate.

- 5.32.3 If no agreement is reached under Section 5.32.1 and 5.32.2 as to the proposed list of external evaluators, the University Tenure Committee shall make up the list from the names submitted by the candidate and the chairs of the relevant departments and/or deans of faculties without departments.
- 5.32.4.1 The chair of the department or dean of the faculty without departments and the candidate shall provide a written justification for the choice of each proposed external evaluator and this document shall form part of the candidate's tenure dossier.
- 5.32.4.2 In the case of a candidate who holds appointments in two or more departments, and/or faculties without departments, the written justifications shall be provided by the chairs of the relevant departments and/or the deans of the relevant faculties without departments, and the candidate.
- 5.32.5 Proposed external evaluators shall not be current or former thesis or research supervisors, students, or individuals with whom the candidate has or has had a close personal or professional relationship, nor individuals who, in the past six years, have been departmental colleagues or collaborators of the candidate.
- 5.32.6 If the chair of a department or dean of a faculty has requested recommendations for the candidate from a proposed external evaluator during the two years immediately preceding the year of consideration, this fact shall be noted on the list. The candidate shall signify on the list that she or he was aware of this fact when agreeing to the list.
- 5.32.7 No later than June 15 of the year of consideration, the chair of the department or the dean of the faculty without departments in which the candidate holds an appointment shall forward to the chair of the University Tenure Committee and to the Secretary-General the following documents which shall form part of the candidate's tenure dossier:
- i) a list of eight proposed external evaluators;
  - ii) the written justification for the choice of each proposed external evaluator as provided in Sections 5.32.4.1 and 5.32.4.2.
- 5.32.8 No later than June 15 of the year of consideration the candidate shall provide a current curriculum vitae to the chair of the department or the dean of the faculty without departments in which the candidate holds an appointment and the chair or dean shall forward the curriculum vitae to the chair of the University Tenure Committee and the Secretary-General.
- 5.32.9 External evaluations shall not be sought or received from any other evaluators.
- 5.32.10 The University Tenure Committee shall rank the eight proposed external evaluators in order of preference and the chair of the University Tenure Committee shall forward a copy of the ranked list to the Secretary-General by September 1 of the year of consideration, with a copy to the candidate and chair of the relevant department.
- 5.32.10.1 It is the responsibility of the chair of the University Tenure Committee to ensure that the deadline stipulated in Section 5.32.10 is respected.
- 5.32.11 The Secretary-General or her or his delegate shall attempt to contact the first three external evaluators on the ranked list to invite them to serve.
- 5.32.11.1 If the first three external evaluators contacted are prepared to serve, no further external evaluators shall be contacted.
- 5.32.11.2 If one or more of the external evaluators is unable to serve, or if the Secretary-General or her or his delegate is unable to contact an external evaluator, she or he shall contact replacements in descending order on the ranked list until three external evaluators have agreed to serve.
- 5.32.12 The Secretary-General or her or his delegate shall ask each external evaluator to provide an evaluation of the candidate's research, scholarly and professional activities, and contributions to scholarly and professional communities and to submit the evaluation by November 20 of the year of consideration. External evaluations received after this date shall be submitted:
- i) to the Departmental Tenure Committee but only if it has not commenced its consideration of the merit of the candidate's case; and

- ii) to the University Tenure Committee pursuant to Section 5.46.2.
- 5.32.13 Subject to Section 5.46.2, no member of the University community other than the Secretary-General or her or his delegate shall contact any external evaluator in regard to the candidate.
- 5.32.14 If the Departmental Tenure Committee or the University Tenure Committee is tending to a negative recommendation, the candidate shall be given a copy of the external evaluations with nominative information removed as prescribed by applicable legislation.

#### Tenure Dossier

- 5.33 The "tenure dossier" shall consist of the following documents:
- i) the "internal package", which shall be compiled by the candidate and includes the candidate's curriculum vitae; the candidate's personal statement in support of her or his candidature; a record of the candidate's research, scholarship and professional activities and contributions; a record of the candidate's teaching (including graduate and professional supervision as appropriate); and a record of the candidate's general contributions to the University and scholarly community; and any other materials the candidate may wish to submit. Information about the candidate's teaching shall be prepared in accordance with the Teaching Portfolio Guidelines (Appendix A);
  - ii) all reports received from external evaluators, by the deadline set out in Section 5.32.12;
  - iii) the written justification for the choice of each of the external evaluators described in Section 5.32.4.1 and 5.32.4.2;
  - iv) additional items submitted in accordance with Sections 5.38, 5.39.1 and 5.46.1.
- 5.34 The "external package" consists of the same documents as the internal package, with the exception of information about the candidate's teaching.
- 5.35 By September 1 of the year of consideration, the candidate shall submit five copies of the internal package and four copies of the external package to the Secretary-General who shall forthwith transmit:
- i) the internal packages to the chairs of the Departmental Tenure Committee and the University Tenure Committee; and
  - ii) the external packages to the external evaluators.
- 5.35.1 A candidate may not add additional material to the external package after September 1.
- 5.36 On receipt of the internal packages the chairs of the Departmental Tenure Committee and the University Tenure Committee shall forthwith make the internal packages available to the committee members.
- 5.37 By November 15 of the year of consideration the Secretary-General or her or his delegate shall transmit the external evaluator reports to the chairs of the Departmental Tenure Committee and University Tenure Committee. The chairs of the Departmental Tenure Committee and University Tenure Committee shall forthwith transmit the reports to the committee members.

#### Adding Items to the Tenure Dossier

- 5.38 Until November 15 of the year of consideration, and provided the Departmental Tenure Committee has not finalized its recommendation, the chair of the Departmental Tenure Committee may add items to complete the candidate's tenure dossier. The candidate shall be given a copy of any item that has been added, and shall be allowed to prepare a written response which shall be included in the tenure dossier.
- 5.39.1 Until November 15 of the year of consideration the candidate may submit additional material on research and other original scholarly activities, with written explanation, to the chair of the Departmental Tenure Committee.
- 5.39.2 After November 15 of the year of consideration, at the request of the Departmental Tenure Committee, the University Tenure Committee or the Principal or her or his delegate, new evidence relating to any category of academic duties may be submitted by the candidate, but only to clarify an issue that arises during the course of the deliberations.

- 5.39.3 The candidate shall file with the Secretariat a copy of all additional material submitted pursuant to Sections 5.39.1 and 5.39.2 and this material shall become part of the candidate's tenure dossier.

**Deliberations: Departmental Tenure Committee**

- 5.40 If, after considering the candidate's tenure dossier, the Departmental Tenure Committee concludes that the criteria for the grant of tenure, set out in Section 5.10, have been met by the candidate, it shall recommend to the University Tenure Committee that the candidate be granted tenure, giving its reasons in writing.
- 5.41 If, after considering the candidate's tenure dossier, the Departmental Tenure Committee is tending towards making a negative recommendation, it shall notify the candidate in writing of its reasons therefore, and provide the candidate, accompanied by an advisor if she or he wishes, with the opportunity to address the Committee, prior to its arriving at its final recommendation.
- 5.41.1 If, after having provided the candidate with the opportunity to address it, the Departmental Tenure Committee concludes that the criteria for the grant of tenure, set out in Section 5.10, have been met by the candidate, it shall recommend to the University Tenure Committee that the candidate be granted tenure, giving its reasons in writing.
- 5.41.2 If, after having provided the candidate with the opportunity to address it, the Departmental Tenure Committee concludes that the criteria for the grant of tenure, set out in Section 5.10, have not been met by the candidate, it shall recommend to the University Tenure Committee that the candidate not be granted tenure, giving its reasons in writing.
- 5.42 The Departmental Tenure Committee shall communicate its report and recommendation concerning the candidate's tenure to the Secretary-General as soon as possible but no later than January 25 of the year of consideration, on forms provided by the University Secretariat. The report and recommendations shall include the Departmental Tenure Committee's reasons.
- The Secretary-General or her or his delegate shall forthwith transmit copies of the report and recommendation to the candidate and to the University Tenure Committee.
- 5.43 It is the responsibility of the chair of the Departmental Tenure Committee to ensure that the deadline stipulated in Section 5.42 is respected; nevertheless should the Departmental Tenure Committee fail to meet the delay specified in Section 5.42 it shall remain seized of the matter before it.

**Deliberations: University Tenure Committee**

- 5.44 The University Tenure Committee shall start its consideration of the candidate's case as soon as it receives the Departmental Tenure Committee report and recommendations from the Secretary-General or her or his delegate.
- 5.45 If, after considering the candidate's tenure dossier and the Departmental Tenure Committee report, the University Tenure Committee concludes that the criteria for grant of tenure set out in Section 5.10 have been met, it shall recommend to the Principal that the candidate be granted tenure, giving its reasons in writing to the Principal.
- 5.46.1 If, after considering the candidate's tenure dossier and the Departmental Tenure Committee report, the University Tenure Committee is unable to recommend tenure because of lack of information on the candidate's research, teaching or other contributions to the University and scholarly communities, it may, at its discretion, seek further information from the chairs of the departments or the deans of faculties without departments in which the candidate has been appointed.
- 5.46.2 If, after considering the candidate's tenure dossier and the Departmental Tenure Committee report, the University Tenure Committee is unable to recommend tenure because of lack of information on the candidate's research and other scholarly work it may, at its discretion, seek the opinion of one or more additional external evaluators from the agreed-to list.
- 5.46.3 The information received under Section 5.46.1 and 5.46.2 shall be added to the candidate's tenure dossier and the chair of the University Tenure Committee shall transmit a copy of the information to the chair of the Departmental Tenure Committee and the candidate. The candidate may prepare a written response which shall be included in her or his tenure dossier.
- 5.47 If, after considering the candidate's tenure dossier and the Departmental Tenure Committee report,

the University Tenure Committee is tending towards making a recommendation that differs from the recommendation of the Departmental Tenure Committee or that is negative to the candidate, or both, it shall notify in writing, both the candidate and the chair of the Departmental Tenure Committee of its proposed recommendation and the reasons therefore, and each of them, accompanied by an advisor if they wish, shall be given the opportunity to address the University Tenure Committee in the presence of each other prior to its arriving at its final recommendation to the Principal. Any new document to be submitted at such a meeting shall be distributed to all those who will be present at the meeting, at least 2 days prior to the meeting, by the party submitting it.

- 5.47.1 When the chair of the Departmental Tenure Committee addresses the University Tenure Committee, under the provisions of Section 5.47, under circumstances where the chair is of the same opinion as that expressed in a minority report of the Departmental Tenure Committee, the chair shall be accompanied by another member of the Departmental Tenure Committee representing the majority opinion who may also address the University Tenure Committee.
- 5.47.2 If, after having provided the candidate and the Departmental Tenure Committee with the opportunity to address it in accordance with Sections 5.47 and 5.47.1, the University Tenure Committee concludes that the criteria for the grant of tenure, set out in Section 5.10, have been met by the candidate, it shall recommend to the Principal that the candidate be granted tenure, giving its reasons in writing.
- 5.47.3 If, after having provided the candidate and the Departmental Tenure Committee with the opportunity to address it in accordance with Sections 5.47 and 5.47.1, the University Tenure Committee concludes that the criteria for the grant of tenure, set out in Section 5.10, have not been met by the candidate, it shall recommend to the Principal that the candidate not be granted tenure, giving its reasons in writing.
- 5.48 In respect of each candidate, the University Tenure Committee shall communicate its final report and recommendations to the Secretary-General as soon as possible but no later than April 30 of the year of consideration on forms provided by the University Secretariat. The final report and recommendations shall include the University Tenure Committee's reasons.

The Secretary-General or her or his delegate shall forthwith transmit copies of the report and recommendation to the Principal, the candidate, and the chair of the Departmental Tenure Committee.

- 5.48.1 It is the responsibility of the chair of the University Tenure Committee to ensure that the deadline stipulated in Section 5.48 is respected; nevertheless should the University Tenure Committee fail to meet the delay specified in Section 5.48 it shall remain seized of the matter before it.

#### **Discharge of Tenure Committees**

- 5.49 The Departmental Tenure Committee and the University Tenure Committee shall be discharged in regard to a candidate's case when the Principal or her or his delegate communicates her or his final recommendation thereon to the candidate, unless there has been recourse to an appeal under Section 8 of the regulations, in which case the Departmental Tenure Committee and the University Tenure Committee shall be discharged only upon the Appeals Committee rendering its final decision.

#### **Deliberations: The Principal**

- 5.50 The Principal or her or his delegate shall decide each candidate's case for tenure solely on the basis of the candidate's tenure dossier, the report of the Departmental Tenure Committee and the report of the University Tenure Committee.
- 5.50.1 If the Principal or her or his delegate decides to recommend a candidate for tenure, she or he shall present the recommendation, together with the recommendation of the University Tenure Committee, forthwith to the Board of Governors for final decision. The Board is not required to hear further evidence or representations.
- 5.50.2 If the Principal or her or his delegate is tending towards accepting the negative recommendation of the University Tenure Committee, the Principal or her or his delegate, prior to reaching a final decision, shall notify the candidate in writing that she or he is also tending to a negative decision and shall provide the candidate with written reasons and an opportunity to appear before her or him, accompanied by an advisor if the candidate wishes, to address the University Tenure Committee report. Under these circumstances, the two week delay provided for in Section 8.5 of the regulations shall be extended to twenty-five working days.

- 5.50.3 In a case in which the Departmental Tenure Committee has recommended that the candidate be granted tenure and the University Tenure Committee's final recommendation is against the grant of tenure to that candidate and the Principal or her or his delegate is tending towards a negative decision, the Principal or her or his delegate, prior to reaching a final decision, shall notify the candidate in writing that she or he is tending to a negative decision and shall provide the candidate with written reasons and an opportunity to appear before her or him, accompanied by an advisor if the candidate wishes, to address the concerns identified and to submit information to clarify the issues raised. Under these circumstances, the two week delay provided for in Section 8.5 of the regulations shall be extended to twenty-five working days.
- 5.50.4 If the Principal or her or his delegate is tending to disagree with the positive recommendation of the University Tenure Committee, the Principal or her or his delegate, prior to reaching a final decision, shall notify the candidate in writing that she or he is tending to a negative decision and shall provide the candidate with written reasons and an opportunity to appear before her or him, accompanied by an advisor if the candidate wishes, to address the concerns identified and to submit information to clarify the issues raised. Under these circumstances, the two week delay provided for in Section 8.5 of the regulations shall be extended to twenty-five working days.
- 5.50.5 If the Principal or her or his delegate is tending to disagree with the University Tenure Committee's final recommendation against the grant of tenure, the Principal or her or his delegate shall notify in writing both the candidate and the chair of the University Tenure Committee of her or his proposed recommendation and the reasons therefore, and each of them, accompanied by an advisor if they wish, shall be given the opportunity to appear before her or him to address the concerns identified. Under these circumstances, the two week delay provided for in Section 8.5 of the regulations shall be extended to twenty-five working days.
- 5.50.6 Should the Principal or her or his delegate fail to meet the delays specified in Sections 5.50.2, 5.50.3, 5.50.4 or 5.50.5 she or he shall remain seised of the matter before her or him.

#### **Retention of Tenure Dossier**

- 5.51 The tenure dossier of each candidate shall be kept complete and intact until such time as the Board of Governors has granted tenure, or the delays for appeal in Section 8 of the regulations have elapsed, or the Appeals Committee has arrived at a decision.

#### **Refusal of Tenure for University Priorities**

- 5.52 Notwithstanding an assessment that a candidate meets the requirements for tenure under Section 5.10, University priorities, as determined by Senate, which prevent the granting of tenure to the candidate, established and published before the candidate is considered for tenure, shall be sufficient reason to refuse the grant of tenure. In such cases, the candidate shall be automatically reappointed for an additional year without the possibility of renewal and shall receive from the Principal or her or his delegate a written statement of appreciation and recognition that the candidate would have received tenure but for established University priorities.

#### **Appointments with Tenure**

- 5.53 A person holding an academic appointment at another university or scholarly institution may be appointed as associate professor or full professor with tenure if so approved by the Board of Governors on the recommendation of the Principal or her or his delegate. A recommendation for appointment with tenure shall originate from the chairs of the departments and the deans of the faculties concerned or, if there are no departments, from the deans of the faculties concerned.
- 5.54.1 The University Tenure Committee for Recruitment shall be a committee of Senate, chaired by the Provost or her or his delegate, and shall consist of one tenured member from each faculty of the University, appointed by Senate for a period of three years.
- 5.54.2 Quorum for the University Tenure Committee for Recruitment shall be three members in addition to the chair, and shall include one member from each of the faculties in which the candidate would hold appointment.
- 5.55 The University Tenure Committee for Recruitment shall consider only those candidates for tenure described in Section 5.53.
- 5.56 The University Tenure Committee for Recruitment shall make its recommendation to the Principal

based on a dossier, submitted by the dean or deans of the faculty or faculties concerned, similar to that described in Section 5.33 i) and evaluated on the basis of the criteria described in Section 5.10. The Committee's recommendation shall be accompanied by reasons.

- 5.57 If the Principal or her or his delegate decides to recommend the appointment as associate or full professor with tenure, she or he shall present the recommendation, together with the recommendation of the University Tenure Committee for Recruitment, forthwith to the Board of Governors for approval. The decision of the Principal or her or his delegate shall not be subject to appeal.

#### **Tenure for Retention**

- 5.58 A staff member appointed to a tenure-track position at McGill University who has an offer of a tenured or permanent position at another university (herein "candidate for retention") may be granted tenure and, if an assistant professor, promoted to the rank of associate professor, if so approved by the Board of Governors on the recommendation of the Principal in accordance with the provisions of Sections 58.1 and 58.2.
- 5.58.1 A recommendation for the grant of tenure to a candidate for retention shall originate from the Departmental Tenure Committee and University Tenure Committee of the appropriate departments and the faculties concerned and shall be on the forms provided by the University Secretariat.
- 5.58.2 The consideration of the case of a candidate for retention shall be conducted in accordance with the provisions of the regulations. However:
- i) notwithstanding Section 5.35, the internal packages prepared by the candidate for retention shall be submitted by her or him directly to the chairs of the Departmental Tenure Committee and the University Tenure Committee;
  - ii) notwithstanding Sections 5.32.10, 5.32.11 to 5.32.13, 5.35 and 5.37, the external packages prepared by the candidate for retention shall be submitted by her or him directly to the chair of the University Tenure Committee who shall be responsible for soliciting the reports from the external evaluators and distributing a copy of the reports when received to the chair of the Departmental Tenure Committee;
  - iii) notwithstanding Section 5.42, the chair of the Departmental Tenure Committee shall communicate its report and recommendation concerning the candidate for retention to the chair of the University Tenure Committee;
  - iv) notwithstanding Section 5.44, the University Tenure Committee shall start its consideration of the case of the candidate for retention as soon as it receives the Departmental Tenure Committee report;
  - v) notwithstanding any provision to the contrary, the delays in the regulations do not apply to the consideration of the case of a candidate for retention.

#### **Obligation of Tenured Staff**

- 5.59 A member of the academic staff who is granted tenure shall maintain the high standards for which it was granted.

#### **Annual Tenure Meeting**

- 5.60 During the Fall term of each academic year, the members of the Departmental Tenure Committees, the University Tenure Committees and the University Tenure Committee for Recruitment, the tenure candidates, the MAUT President, and other interested parties shall be invited to an openly advertised meeting to discuss general criteria and the operation of the tenure system. The Secretary-General shall report in writing to Senate and the Board of Governors on the deliberations of the meeting. These meetings shall be chaired by the Principal or her or his delegate.

#### **Transition Provision**

- 5.61 Notwithstanding the provisions of Sections 5.32.7, 5.33 and 5.37 of these regulations a candidate for tenure who held the rank of assistant, associate, or full professor on the day preceding the adoption by the Board of Governors of these regulations approved by Senate on May 4, 2005, shall have the option of requesting that the list of external evaluators, the written justifications for their choice, and external evaluators reports be withheld from the tenure dossier to be considered by the Departmental



Tenure Committee. By the exercise of this option, a candidate waives her or his right under Section 5.32.14 to receive a copy of the external evaluations in the event the Departmental Tenure Committee is tending to a negative recommendation but it does not prejudice any other rights a candidate may have under these regulations. This option shall be exercised in writing and is available to a candidate only on her or his first consideration for tenure and once exercised cannot be revoked.

## **Section 6 – Repealed – see Regulations Relating to the Employment of Contract Academic Staff**

## **Section 7 - Visiting, Adjunct, Special Category and Emeritus Staff**

Visiting Professors - Repealed – see Regulations Relating to the Employment of Contract Academic Staff

Assistant Professors (Special Category) - Repealed – see Regulations Relating to the Employment of Tenure Track and Tenured Academic Staff

Adjunct Professors - Repealed – see Regulations Relating to the Employment of Contract Academic Staff

Designations of Retired Academic Staff - Repealed – see Regulations on Retirement of Academic Staff.

## **Section 8 - Appeals on Tenure and Reappointment**

*Effective February 26th 2015 the appeal procedures for tenure contained in the Regulations Relating to the Employment of Academic Staff (section 8) are repealed and replaced by the Regulations on Appeals of Tenure Decisions. Appeals of negative reappointment decisions will continue to be dealt with under the Regulations Relating to the Employment of Academic Staff (section 8) until such a time as these Regulations can be reviewed as far as appeals of reappointment decisions are concerned.*

- 8.1 There shall be an Appeals Committee for hearing appeals from final decisions of the Principal refusing to recommend tenure or a reappointment. The Appeals Committee, consisting of six members with a term of office of three years, commencing on the 1st April, shall be appointed by the Board of Governors from a panel constituted as provided in Sections 8.2.1 to 8.2.4.
- 8.2.1 Prior to the 1st of March in each year, the President of the McGill Association of University Teachers, or his or her designate, and the Principal shall jointly submit to the Senate Nominating Committee a slate of names of tenured academic staff of a number at least one and a half times the number of vacancies on the Appeals Committee to be filled that year.
- 8.2.2 The Senate Nominating Committee shall then strike a panel of nominees by reducing the slate to the number of vacancies to be filled.
- 8.2.3 The panel thus struck shall be submitted to Senate for approval prior to its submission to the Board of Governors.
- 8.2.4 In the event of rejection, in whole or in part, by Senate or the Board of Governors, the procedure set out in Section 8.2.1 and following shall recommence.
- 8.3 Notwithstanding Section 8.1, the Appeals Committee, when first constituted, shall consist of two members appointed for a term of three years, two for a term of two years, and two for a term of one year.
- 8.4.1 The Appeals Committee shall elect a chair and a vice-chair from amongst its members annually. The office of the Secretary-General shall provide a secretary for the Appeals Committee.
- 8.4.2 Appeals shall be heard by a subcommittee of three which shall be chaired by the chair or, when he or she is not available, by the vice-chair. The other two members of the subcommittee shall be appointed as hereinafter provided.
- 8.5 Members of the tenure track academic staff may appeal from the final decision of the Principal against recommending a grant of tenure or a reappointment. Such a decision shall be notified in writing by the Principal to the candidate concerned within two weeks of the Principal receiving a recommendation from the University Tenure Committee in a matter concerning tenure or from the

dean of the faculty in a matter concerning reappointment.

- 8.6 Within one week of the notification provided by Section 8.5, the appellant shall request in writing from the Principal complete and substantive written reasons for the decision which must be furnished to the appellant by the Principal promptly.
- 8.7 The Appeals Committee shall have jurisdiction to consider only appeals based on a failure to follow proper procedures or on evidence of bias or on inconsistency of the decision with the existing record of the case or with established University practice. It is intended that the Appeals Committee should not proceed to a hearing de novo but should determine whether the appellant's case has received fair and reasonable consideration.
- 8.8.1 Within 30 days of receipt of the reasons for the decision under Section 8.6, the appellant shall submit in writing to the Secretary-General a notice of appeal setting out succinctly complete and substantive reasons for the appeal and stating on which of the grounds listed in Section 8.7 the appeal is based.
- 8.8.2 Together with the notice of appeal provided in Section 8.8.1, the appellant shall file with the Secretary-General, in a sealed envelope labelled "Appellant's Confidential Nomination," the name of a member of the Appeals Committee (other than the chair of the subcommittee referred to in Section 8.8.3) that the appellant selects to form part of the subcommittee to hear the appeal.
- 8.8.3 Upon the filing of a notice of appeal with the Secretary-General, the Principal shall file with the Secretary-General the Principal's confidential nomination giving the name of a member of the Appeals Committee that the Principal selects to form part of the subcommittee to hear the appeal.
- 8.8.4 The Secretary-General shall promptly transmit the notice of appeal and the confidential nominations of the Principal and the appellant to the chair of the Appeals Committee. If the Principal and the appellant have submitted the same name, the chair shall choose that person and one other from the membership of the Appeals Committee to form the subcommittee to hear the appeal; otherwise, the subcommittee shall consist of the two members nominated by the Principal and the appellant respectively and the chair of the Appeals Committee, or the vice-chair thereof if the chair is not available.
- 8.8.5.1 In the event that a vacancy occurs in the subcommittee, the party who nominated the member in respect of whom such vacancy occurred shall forthwith nominate a replacement. In the event that the vacancy occurs in respect of the chair or vice-chair, the one shall replace the other, if available; if not available, the replacement shall be chosen by lot from amongst the remaining members of the Appeals Committee.
- 8.8.5.2 The whole appeals process shall be deemed to comprise three distinct instances:
- First: The preliminary determination made under Section 8.10;
- Second: The steps leading to a decision to refer the case back or to consider the case anew on its merits under Section 8.13.1 or to the finding that the decision appealed from is tainted with bias or inconsistent with the existing record of the case or established University practice under Section 8.13.2;
- Third: The consideration of the case anew on its merits or the steps leading to a final decision after referral back under Section 8.13.1 or the consideration of the case on its merits leading to a final decision under Section 8.13.2.
- Should a member of the subcommittee be replaced during the course of a particular instance, the committee shall recommence its consideration de novo of that particular instance but shall not be required to reconsider any proceeding had in any prior instance or instances in that appeal.
- 8.9 The appeal is held to be abandoned if the delays prescribed in Sections 8.6 and 8.8.1 are not observed by the appellant.
- 8.10 As soon as the subcommittee is formed, it shall make a preliminary determination as to whether:
- a) the appellant has the necessary qualifications under Section 8.5 to formulate an appeal;
  - b) the notice of appeal conforms formally with Section 8.8.1; and
  - c) the appellant has observed the delays prescribed in Sections 8.6 and 8.8.1.

If the subcommittee makes a determination adverse to the appellant under a), b), or c) above, it shall declare the appeal abandoned.

- 8.11.1 The subcommittee having determined that the appeal has not been abandoned, the chair shall invite, by written notice, the appellant and the Principal to file an agreement, signed by the appellant and by the Principal on behalf of the University, to the effect that the decision of the subcommittee shall be final and binding on the appellant and on the University.
- 8.11.2 If such agreement, duly signed as prescribed in Section 8.11.1, is not filed with the Secretary-General within two weeks of the invitation aforesaid, no further proceedings in the appeal shall be taken and the subcommittee is discharged.
- 8.12.1 If such agreement is filed, as hereinbefore prescribed, the subcommittee shall proceed to consider the appeal on its merits.
- 8.12.2 Such consideration will basically consist of a review of all documentation bearing on earlier considerations of the case; the subcommittee shall have authority to request statements, orally before the subcommittee in the presence of the parties or in writing, from University committees or officers who played a part in formulating the decision under appeal. All documentation considered by the subcommittee shall be made available to the appellant and the Principal with the exception of confidential letters which shall be transmitted to the parties in the form of an unattributed summary verified by the subcommittee.
- 8.12.3 The subcommittee may permit new evidence to be adduced before it in the presence of parties, but only to clarify some new issue that arises during the course of its review or to establish a failure to follow proper procedures, bias, or inconsistency of the decision with the existing record of the case or with the established University practice.
- 8.12.4 The appellant has the right to be assisted by a member of the academic staff of the University at any stage in this appeal procedure.
- 8.12.5 The parties shall be invited by 10 days' written notice to meet with the subcommittee to state their case. If either party fails to attend, the subcommittee will proceed in his or her absence.
- 8.12.6 At such meeting, either party may put questions to the other and to any witnesses heard by the subcommittee.
- 8.12.7 The hearings and deliberations of the subcommittee are confidential.
- 8.12.8 No stenographic record of the subcommittee's proceedings shall be kept.
- 8.13.1 If the subcommittee finds that there has been a failure at one of the previous levels to follow proper procedures, it shall return the case to the appropriate committee or University officer with instructions as to the proper procedures to be followed unless the subcommittee decides itself to consider the case anew on its merits. Should the subcommittee refer the case back to the appropriate committee or officer, it shall remain seized of the appeal and the appropriate committee or officer, after having implemented the instructions, shall report back to the subcommittee which shall render thereon a final decision.
- 8.13.2 If the subcommittee finds that the decision appealed from is tainted with bias or inconsistent with the existing record of the case or established practice, the subcommittee shall proceed to consider the case on its merits and shall render a final decision.
- 8.13.3 In the case of an appeal on reappointment the subcommittee shall not have power to reappoint the appellant for a longer period of time than that of the full term of the appellant's current appointment.
- 8.14 The subcommittee shall report its decision on the appeal in matters falling under Section 8.13.2 or its decision to refer the case back in matters falling under Section 8.13.1, as soon as reasonably possible and at the latest, three months after the filing of the notice of appeal under Section 8.8.1; in matters falling under Section 8.13.1, the reference shall be completed and the subcommittee's final decision rendered within two months of its decision to refer; in matters falling under Section 8.13.2, the new consideration shall be completed and the subcommittee's final decision rendered within two months of its decision on the appeal.
- 8.14.1 The subcommittee shall complete the first instance of the appeal, as defined in Section 8.8.5.2, within

three weeks of the subcommittee's formation; the second instance, as so defined, within two months of the filing of the agreement as provided in Section 8.12.1; and the third instance, as so defined, within two months of the completion of the second instance. The months of July and August shall not be taken into account in calculating the above delays.

- 8.14.2 Should a member or members of the subcommittee be replaced during the course of the second or third instances of an appeal, as defined in Section 8.8.5.2, necessitating the reconsideration insofar as that instance is concerned, the subcommittee shall complete that instance within the delays provided in Section 8.14.1 or within six weeks of the last such replacement, whichever is later.
- 8.15 If the final decision of the subcommittee is not rendered at least 37 weeks before the termination date of the appellant's current appointment, the appointment shall be extended to provide for an interval of 37 weeks between the date of the final decision and the date of termination.
- 8.16 The final decision of the subcommittee and the reasons stated therefore shall be notified in writing to the Principal and the appellant.
- 8.17 If the final decision of the subcommittee is for a grant of tenure or a reappointment, a copy of the decision and the reasons stated therefore shall be forwarded through the Principal to the Board of Governors for implementation.

### **Section 9 - Discipline: Reprimand, Suspension, and Dismissal of Staff Member for Cause**

- 9.1 If a dean considers that there is cause, the dean may send a letter of reprimand to a staff member, recommend other disciplinary measures such as suspension, or recommend dismissal.
- 9.2 Nothing in the present section shall in any way derogate from the residual powers of the Principal to initiate disciplinary action against a staff member for cause, as set out in the Statutes or regulations as adopted and modified by the University from time to time. If the Principal initiates disciplinary action, such action shall follow the procedures prescribed by Section 9, with the necessary procedural adjustments.
- 9.3 No disciplinary measure shall be imposed without just and sufficient cause, and the burden of proving such cause shall fall upon the University.
- 9.4 "Cause" shall include:
- a) neglect of academic duties, including failure to meet the requirements of Section 3.1;
  - b) misconduct sufficient to justify the disciplinary measures taken;
  - c) persistent failure to maintain reasonable performance of the overall academic duties as set out in Sections 1.3.2., 3.1, and 5.59, including: i) teaching; ii) research and other original scholarly activities, and professional activities; and iii) other contributions to the University and scholarly communities, taking into account the pattern of such activities obtained within the department and faculty and the stage of the staff member's academic career.
- 9.5 No disciplinary proceedings may be initiated against a staff member for failure in the performance of duties under Sections 9.8 or 9.9 by reason of a physical or emotional disability, if such a staff member has been accepted under the Long Term Disability Plan in respect of such disability.

### **A Dean's Recommendation of Reprimand or Disciplinary Measure**

- 9.6 If a dean believes that a reprimand or a disciplinary measure may be warranted, the dean shall so notify the staff member in writing, giving substantive written reasons deemed to warrant the measure. Before proceeding to recommend reprimand or the imposition of a disciplinary measure, the dean shall provide the staff member an opportunity for a meeting, at which the staff member may be accompanied by an advisor.

### **A Dean's Reprimand**

- 9.7 A dean who considers there is cause may send a letter of reprimand to a staff member. A letter of reprimand shall be so designated and shall be expunged from the record at a date stated in the letter, not more than five years after the date of the letter.
- 9.7.1 A staff member who receives a dean's letter of reprimand may file a request for a hearing before the Committee on Staff Grievances and Disciplinary Procedures as described in Section 11.

### **A Dean's Disciplinary Measure**

- 9.8 If the dean decides to recommend a disciplinary measure other than reprimand, the dean shall notify the Principal in writing, with a copy to the staff member, stating the substantive reasons for the decision.
- 9.8.1 The Principal shall respond to the dean's recommendation without undue delay in one of the following ways:
- 9.8.1.1 a) If the Principal does not agree with the recommendation, the parties shall be so informed and the complete record of the case shall be expunged.
- 9.8.1.2 b) If the Principal tends to agree with the dean's recommendation, the Principal shall notify the staff member to this effect in writing, stating substantive reasons, and provide the staff member an opportunity for a meeting, at which the staff member may be accompanied by an advisor.
- 9.8.2 When the procedure described in Section 9.8.2 has been completed and has resulted in a decision by the Principal to recommend a disciplinary measure as is deemed appropriate in the case, the Principal shall notify the dean and the staff member, in writing, without undue delay. The measure may include one of the following: a letter of reprimand, suspension with or without pay of not more than six months' duration, or any other measure deemed appropriate. A letter of reprimand imposed under this section shall be so designated and shall be expunged from the record at a date specified in the letter, not more than five years after the date of the letter.
- 9.8.2.1 If upon receiving written notification of a recommendation of discipline from the Principal, the staff member does not request a disciplinary hearing under Section 12 within 10 working days, the Principal shall confirm the decision to discipline, giving complete and substantive reasons.
- 9.8.3 Within 10 working days of receipt of the confirmation to discipline, the staff member may request arbitration under Section 13.

### **A Dean's Recommendation of Dismissal**

- 9.9 If the dean believes that dismissal may be warranted, the dean shall notify the staff member in writing, with a copy to the Principal, stating the substantive reasons considered to warrant dismissal. Before proceeding to recommend that dismissal be imposed, the dean shall provide the staff member an opportunity for a meeting, at which the staff member may be accompanied by an advisor.
- 9.9.1 If the dean decides to recommend dismissal, the dean shall notify the Principal in writing, with a copy to the staff member, stating the full reasons for the decision.
- 9.9.2 The Principal shall investigate the matter and provide the staff member with the opportunity for a meeting, at which both parties may be accompanied by an advisor. Before the meeting takes place, each party must inform the other of the name of any advisor who will be present.
- 9.9.3 When the Principal's investigation has been completed, the Principal shall either:
- a) Disregard the dean's recommendation of dismissal and decide against the imposition of other disciplinary measures. The Principal shall notify the dean and the staff member to this effect and expunge the record of the case;
- b) Recommend reprimand or suspension or other disciplinary measures and notify the staff member and the dean to this effect and return the process to Section 9.8.3; or
- c) Notify the staff member and the dean in writing that the staff member is dismissed, stating complete and substantive reasons. The dismissal shall take effect on a date specified in the letter. The staff member's salary and benefits will terminate 10 working days from the date specified for dismissal.
- 9.10 Within 10 working days of receipt of notification of dismissal, the staff member may request arbitration under Section 13.

### **Cases of Emergency**

- 9.11 Notwithstanding the procedure prescribed by Section 9, where the staff member is judged by the Principal or his or her delegate to be a serious threat to the security of the University or the safety of its community, the staff member shall immediately be suspended from the University and its premises pending the completion of disciplinary procedures and arbitration.

## **Section 10 – Composition and Operation of the Committee on Staff Grievances and Disciplinary Procedures**

- 10.1 There shall be a Committee on Staff Grievances and Disciplinary Procedures to hear grievances and hold hearings on disciplinary measures at the request of staff members. Said committee shall consist of eight members with a term of office of three years commencing on the 1st day of September.
- 10.2 Notwithstanding Section 10.1, the Committee on Staff Grievances and Disciplinary Procedures shall, when first constituted, consist of two members appointed for a term of three years, two for a term of two years, and two for a term of one year.
- 10.3 The Committee on Staff Grievances and Disciplinary Procedures shall be appointed by the Board of Governors from a panel drawn up as follows:
  - 10.3.1 Prior to the 1st day of April each year, the President of the McGill Association of University Teachers or the President's designate and the Principal or the Principal's designate shall submit to the Senate Nominating Committee a jointly approved slate of names of tenured staff members. This slate shall include at least one and a half times as many names as there are vacancies on the Committee on Staff Grievances and Disciplinary Procedures to be filled that year.
  - 10.3.2 From this slate, the Senate Nominating Committee shall strike a panel of nominees equal to the number of vacancies to be filled and shall also designate the chair and vice-chair of the Committee on Staff Grievances and Disciplinary Procedures.
  - 10.3.3 The panel thus struck shall be submitted to Senate and to the Board of Governors for approval.
  - 10.3.4 In the event of rejection of the panel in whole or in part by Senate or the Board of Governors, the procedure set out in Section 10.3.1 shall recommence.
- 10.4 The hearing committee shall be composed entirely of members of the Committee on Staff Grievances and Disciplinary Procedures and shall include:
  - i) the chair or vice-chair;
  - ii) one member selected by the Principal; and
  - iii) one member selected by the staff member who has brought a grievance before, or requested a disciplinary hearing from, the committee.
- 10.4.1 Notwithstanding Article 10.4, where the hearing committee is struck pursuant to a recommendation of discipline concerning a complaint of sexual harassment, if the complainant is a student the member selected by the Principal pursuant to Article 10.4(ii) shall be a student. The student shall be selected from a list jointly agreed upon by the Principal and the President of MAUT.
- 10.5.1 If the Principal and the staff member submit the same name, the chair shall choose that person and one other member of the Committee on Staff Grievances and Disciplinary Procedures to form the hearing committee.
- 10.5.2 The committee members so nominated shall not be entitled to determine the identity of the party who nominated them.
- 10.5.3 In the event that a vacancy occurs in the hearing committee, the party who nominated the member in respect of whom such vacancy occurred shall forthwith nominate a replacement. In the event that the vacancy occurs in respect of the chair or vice-chair, the one shall replace the other, if available; if not available, the replacement shall be chosen by lot from the four remaining members of the Committee on Staff Grievances and Disciplinary Procedures.
- 10.6 Should a member of the hearing committee be replaced during the course of a particular grievance or request, the committee shall recommence anew its consideration of that instance but shall not be required to reconsider any proceeding held in any prior instance or instances concerning that grievance or request.
- 10.7 No member of the committee shall sit in a particular instance if that person:
  - a) Is a member of the same department (or in a faculty without departments, the same faculty) as the

- staff member who is bringing a grievance or requesting a hearing; or
  - b) Is in a position of conflict of interest as specified in the University's Policy on Conflict of Interest.
- 10.8 The office of the Secretary-General shall provide a secretary for the Committee on Staff Grievances and Disciplinary Procedures.
- 10.9 The Committee on Staff Grievances and Disciplinary Procedures shall report annually to Senate and to the Board on the administration of the procedures described here.
- 10.10 The members of the committee, prior to hearing their first case, shall undergo sensitivity training on harassment issues relating but not limited to racial, religious, gender, sexual and sexual orientation-based harassment.

### **Section 11 - Staff Grievances**

- 11.1 The following are specifically excluded from the purview of Section 11:
- a) Any matter relating to tenure, non-renewal of appointment, dismissal or suspensions, or a letter of reprimand from the Principal;
  - b) Any complaint against an action or a policy of the Board of Governors or Senate, or of any committee of either or both;
  - c) Any complaint against the composition, proceedings, or recommendations of a statutory selection committee constituted under Article 3.4.3 of the University Statutes or any recommendation made by the Principal pursuant to the said Article 3.4.3; and
  - d) The granting of a Retiring Allowance as described in the "Regulations Concerning the Retirement of Academic Staff and of Librarian Staff".
- 11.2 For the purposes of Section 11, the departmental chair or director is deemed to be the immediate superior of all members of a department or school, and the next superior is the dean of faculty to which the department or school belongs.
- 11.3 If a staff member believes that he or she:
- i) has been unfairly treated by the University in regard to the interpretation or application of University policy insofar as it relates to his or her academic career and working conditions; or
  - ii) has been subjected to arbitrary, discriminatory, or unreasonable actions taken against him or her by the University, either by act or omission,
- the staff member may make a formal complaint, either orally or in writing, to his or her immediate superior (as defined in Section 11.2), who shall meet with the complainant without undue delay and both shall use their best efforts to settle the complaint. This initial complaint must be made within 20 working days from the date when the cause of the complaint occurs or becomes known to the complainant and is referred to hereinafter as Stage 1.
- 11.4 If no settlement is arrived at in Stage 1 within 10 working days of the making of the complaint, the complainant may, within a further 10 working days, submit the complaint in writing to his or her next superior as defined in Section 11.2. The next superior shall meet with the complainant and both shall use their best efforts to settle the complaint (Stage 2).
- 11.5 If in Stage 2 no settlement is arrived at within 10 working days of the presentation of the complaint, the complaint shall be deemed a grievance, and the complainant shall file with the Secretary-General a written statement of grievance within the 10 working days next following (Stage 3).
- 11.6 The burden of proof shall fall upon the grievor.
- 11.7 If the delays prescribed in Stages 1 through 3 are not observed, the complaint or grievance, as the case may be, shall not be entitled to any further consideration. However, at any stage, the parties may agree in writing to extend the delays for proceeding.
- 11.8 The months of July and August shall not be taken into account in calculating the delays provided for in Section 11.

- 11.9 Upon receipt of a statement of grievance under Section 11.5, the Secretary-General shall immediately transmit the statement of grievance to the chair of the Committee on Staff Grievances and Disciplinary Procedures, who shall convene a hearing committee as expeditiously as possible pursuant to Section 10.4 in order to consider the grievance and make recommendations as to its solution.
- 11.10 The committee shall make a preliminary determination as to whether:
- i) Stages 1 and 2 have been duly followed within the time prescribed, or as otherwise agreed to by the parties in writing; and
  - ii) the subject of the grievance is not excluded from the jurisdiction of the committee by Section 11.1.
- 11.11 If the above two conditions have been fulfilled, the hearing committee shall determine whether the matter is to be considered an academic evaluation grievance or an administrative grievance.
- 11.11.1 Academic evaluation grievances shall be those in which the salient issues involve a substantial element of judgement of academic performance.
- 11.11.2 Administrative grievances shall be those in which there is no substantial element of evaluation of academic performance.

#### **Academic Evaluation Grievances**

- 11.12 If the case is determined to fall under the provisions of Section 11.11.1, academic evaluation grievances, the committee shall without undue delay hold a hearing or hearings after having given 10 working days' notice in writing to the parties, who shall be the grievor and the person grieved against, and to such other persons whose presence the committee deems necessary for a proper consideration of the matter. If any of those so notified fail to attend, the committee may proceed in their absence.
- 11.13 The consideration of the case by the committee shall consist basically of a review of all documentation bearing on earlier considerations of the case; the committee shall receive statements orally in the presence of the parties or in writing. All documentation considered by the committee shall be made available to both parties, and to the Principal on his or her request, with the exception of confidential letters, which shall be transmitted in the form of an unattributed copy, with nominative information removed.
- 11.14 The committee may permit either party to adduce new evidence before it in the presence of the parties, but only in order to clarify some new issue that arises during the course of its review or to establish:
- i) failure to follow proper procedures;
  - ii) bias; or
  - iii) inconsistency of the decision with the existing record of the case or with established University practice.
- 11.15 Each party shall have the right to call witnesses, subject to the provisions of Section 11.14.
- 11.16 The parties shall have the right to be assisted by an advisor.
- 11.17 At the meeting of the hearing committee, either party may put questions to the other and to any witnesses heard by the committee.
- 11.18 The hearings and deliberations of the committee are confidential.
- 11.19.1 If the committee finds that there has been a failure at one of the previous stages to follow proper procedures, it shall return the case to the appropriate committee or University officer with instructions as to the proper procedures to be followed, unless the committee itself decides to consider the case anew on its merits. Should the committee refer the case back to the appropriate committee or University officer, it shall remain seized of the grievance, and the appropriate committee or officer shall, after having implemented the instructions, report back to the committee, which shall render a final decision.
- 11.19.2 If the committee finds that the decision grieved is tainted with bias or inconsistent with the existing record of the case or established practice, the committee shall proceed to consider the case on its



merits.

- 11.20 The findings of fact and the decision of the committee shall be sent to the Principal for implementation according to the Principal's best judgement. A copy of the findings of fact and decision shall be sent to both parties. The Principal may decline to implement the decision only if the Principal is of the opinion that the decision is not capable of implementation or is not in accordance with the rules of evidence. If the Principal declines to implement the decision, the Principal shall provide written reasons to the parties to the grievance and to the Committee on Staff Grievances and Disciplinary Procedures within 30 working days.

### **Administrative Grievances**

- 11.21 If the case is determined to fall under the provisions of Section 11.11.2, administrative grievances, the committee shall without undue delay hold a hearing or hearings after having given 10 working days' notice in writing to the parties, who shall be the grievor and the person grieved against, and to such other persons whose presence the committee shall deem necessary for a proper consideration of the matter. If any of the parties or other persons deemed necessary fails to attend, the committee may proceed in their absence.
- 11.22 The Committee on Staff Grievances and Disciplinary Procedures shall establish its own procedures for grievances that fall under the provisions of Section 11.11.2 and shall conduct its proceedings in accordance with the rules of natural justice. At any stage in this grievance procedure, the parties have the right to be assisted by an advisor.
- 11.23 The hearing committee shall report its findings of fact, conclusions, and recommendations to the Principal for such actions as may be considered appropriate, with a copy to both parties. The Principal is not required to hold a further hearing, and the Principal's decision on reception of the report shall be final, subject only to the provisions of the University Charter. The Principal's decision shall be communicated in writing to the parties, with a copy to the committee, within 30 days of receiving the report. If the Principal's decision differs from the recommendations of the committee, the Principal is obliged to give complete and substantive written reasons to all parties.
- 11.24 In either an academic or administrative grievance, if the Principal recuses him- or herself, or is the party grieved against, the committee shall submit its findings of fact, conclusions, decisions and recommendations to the Executive Committee of the Board of Governors instead of to the Principal. The Executive Committee shall then deal with the same in lieu of the Principal and under the same conditions.

### **Section 12 - Disciplinary Hearings**

- 12.1 If a staff member has filed a request for disciplinary hearing under Section 9.8.3.1 the Secretary-General shall promptly submit the request to the chair of the Committee on Staff Grievances and Disciplinary Procedures, who shall, as expeditiously as possible, convene the hearing committee pursuant to Section 10.4.
- 12.2 As soon as the hearing committee is formed, it shall make a preliminary determination as to whether:
- i) the notice of request for hearing conforms formally with Section 9.8.3.1
  - and ii) the staff member has observed the delays prescribed.
- 12.2.1 If under i) or ii) above, the hearing committee makes a determination adverse to the staff member who has requested a hearing, it shall declare the request abandoned.
- 12.3 The staff member has 10 working days from notification that the request for hearing has been abandoned under Section 12.2.1 to exercise the right to arbitration by submitting to the Principal, in writing, a notice of intent to pursue arbitration under Section 13.
- 12.4 If the hearing committee determines that the request is not abandoned, the committee shall proceed to consider the request.
- 12.4.1 Such consideration will basically consist of a review of all documentation bearing on earlier considerations of the case. The committee shall receive statements orally before the committee, in the presence of the staff member and the delegates of the Principal herein collectively referred to as "the parties," or in writing from all relevant persons. All documentation considered by the committee shall be made available to the parties.

- 12.4.2 The committee may permit new evidence to be adduced before it in the presence of the parties, if the committee judges it to be relevant to the merits of the case.
- 12.4.3 Each party shall have the right to call witnesses, subject to the provisions of Section 12.4.2.
- 12.4.3.1 At the meeting of the hearing committee, either party may put relevant and legally admissible questions to the other, through the chair.
- 12.4.4 The parties have the right to be assisted by an advisor at any stage of the hearing procedure.
- 12.4.5 The original complainant or a delegate thereof, has a right to observe the hearing.
- 12.4.6 The parties shall be invited, by five working days' written notice, to meet with the committee to state their case. If either party fails to attend, the committee will proceed in his or her absence.
- 12.4.7 At such meeting, questions may be put by the members of the committee.
- 12.4.8 The hearings and deliberations of the committee are confidential.
- 12.4.9 No stenographic record or tape recording of the committee's proceedings shall be kept.
- 12.4.10 The number of hearing days shall not exceed five and may not be extended by agreement of the parties. The committee shall report its decision as soon as reasonably possible, at the latest one month after the filing of the notice of request for hearing under Section 9.8.3.1.
- 12.4.11 Proceedings of the committee shall be suspended during the months of July and August, except for cases of urgency. In cases of urgency, the Secretary-General shall constitute a hearing committee from among any of the six members of the Committee on Grievances and Disciplinary Procedures.
- 12.5 The hearing committee shall make one of the following recommendations:
  - a) that the disciplinary measures proposed by the Principal be upheld;
  - b) that alternative measures be imposed; or
  - c) that no disciplinary measures be imposed.
- 12.6 The final recommendation of the committee and the reasons stated therefor shall be communicated in writing to the Principal and the staff member within 10 working days of completion of the procedures. The recommendation of the committee is not binding on the Principal.
- 12.7 Upon receiving the committee's recommendation under Section 12.6 the Principal shall either:
  - 12.7.1 a) Decide not to impose any disciplinary measure and so notify the staff member and the dean in writing, all written documents pertaining to the case to be expunged from the record; or
  - 12.7.2 b) Confirm the disciplinary measure or measures described under Section 9.8.3, or any other measure recommended by the committee.
- 12.8 The Principal shall inform the staff member, the committee, and the dean of the decision, in writing, giving complete and substantive reasons.
- 12.9 Within 10 working days of receipt of the letter provided for in Section 12.8, the staff member may respond to the Principal, giving notice that the staff member will refer the matter to arbitration under Section 13.

**The Principal's Power to Delegate**

- 12.10 The Principal may, by written notice to the record of the case with a copy to the staff member, delegate any or all of the Principal's duties under Section 9 to a vice-principal, except for cases of dismissal under Section 9.9.

**Review of the Present Regulations**

- 12.11 The present regulations shall be reviewed within a period of two years of adoption; all grievances and requests for disciplinary hearings made within that period shall be fully dealt with in

accordance with the provisions of this chapter.

### **Section 13 - Arbitration**

- 13.1 The Principal and the President of the McGill Association of University Teachers shall jointly appoint a person of unquestioned integrity and independence to perform the functions required in Section 13.5 and may at the same time provide for an alternate to act in the former's absence for an agreed term (and until their successors are appointed) within 30 working days of the adoption of these regulations, or of the resignation or incapability of the person or persons previously appointed.
- 13.1.1 In the event of a suspension without pay, and upon receipt of the written notification from the staff member to use arbitration as provided under Sections 9.8.4, 9.10, 12.3, and 12.9 of this regulation, the staff member's salary and benefits will be maintained pending the final decision of the arbitrator. University privileges will normally be maintained pending the final decision of the arbitrator, unless the Principal has reasonable grounds not to maintain the same.
- 13.1.2 In the event of dismissal, the staff member's salary, benefits, and University privileges shall be discontinued subject to the provisions of Section 9.9.3.3. The staff member may apply to the arbitrator for an interim ruling restoring his or her salary and other financial benefits. Such an interim ruling shall be without prejudice to the final decision of the arbitrator under Section 13.14.
- 13.2 Within 15 working days of the notification by the staff member to use arbitration as provided under Sections 9.8.4, 9.10, 12.3, and 12.9, the Principal and the staff member or their representatives shall meet to name an arbitrator.
- 13.3 The Principal and the staff member shall sign a formal submission to arbitration, setting out in summary the matters at issue. Such a submission to arbitration shall conform to Articles 940 and following of the Code of Civil Procedure.
- 13.4 The arbitrator shall be a qualified person not employed by the University who is acceptable to the Principal and to the staff member. The qualified arbitrator is a person whose name appears on the most recent annotated list of arbitrators published by the Quebec government from time to time, and who has at any time held an academic appointment at a university.
- 13.5 If the Principal and the staff member are unable to name an arbitrator within 15 working days from the notification by the staff member to submit the matter to arbitration, the arbitrator shall be chosen by the following method: the person of unquestioned integrity and independence appointed under Section 13.1 shall at the earliest possible moment name one qualified arbitrator, not in the employ of the University, to arbitrate the case.
- 13.6 The maximum duration of arbitration hearings shall be 10 days, the fees and expenses of the arbitrator being assumed by the University for that period. If either party or both wish to go beyond the 10 days, the arbitrator will have jurisdiction to extend the number of hearing days to a maximum of 10 additional days. The party requesting the extension shall pay the fee and expenses of the arbitrator for the period of the extension.
- 13.7 The parties shall be entitled to representation. Each party shall bear its own cost of presentation.
- 13.8 The arbitrator shall review the question with due diligence and conclude the proceedings and render a decision as expeditiously as possible.
- 13.9 The arbitrator shall establish and conduct proceedings in accordance with rules of natural justice; and shall require the University and the staff member, herein collectively referred to as "the parties", to make full disclosure of evidence which the arbitrator deems relevant. In any event the arbitrator shall:
  - 13.9.1 Notify the parties in writing of the time and place at which the arbitrator intends to hear the parties;
  - 13.9.2 Afford the parties the right to appear in person with or without counsel or advisor, not to exceed two in number, adduce evidence at their diligence, examine and cross-examine witnesses, and state their case;
  - 13.9.3 Hold hearings in camera unless both parties agree in writing that the hearings shall be open, and instruct all persons appearing before him or her in camera to treat all evidence and proceedings as confidential;
  - 13.9.4 Require each party to indicate in advance the nature of the evidence upon which that party intends to

rely, in order to enable the other party to make a fair and full answer; and

- 13.9.5 Have the power to proceed in the absence of a party who should without reasonable excuse fail to appear before him or her.
- 13.9.6 The arbitrator shall convene the hearing as soon as possible and shall conclude the proceedings and render a decision as expeditiously as possible, but in any event within 15 weeks of being appointed. If the term of the arbitrator's mandate is extended beyond the initial 10 days, one week shall be added to the 15-week decision deadline for each additional day of hearing.
- 13.10 A formal stenographic record of the proceedings may be kept at the expense of the University and made available to both parties and to the arbitrator.
- 13.11 The parties shall use utmost diligence in preparing for the hearing and shall see to it by way of exchange of all pertinent documents, as well as disclosure of the identity of all witnesses, that the restrictions on the time allocated for hearing are respected.
- 13.12 Preliminary objections shall be made to the arbitrator by way of correspondence sent at least 10 working days prior to the hearing. The decision of the arbitrator as to the objections will be rendered at the latest at the opening of the hearing.
- 13.13 At the opening of the hearing, the parties shall submit admissions as to all relevant facts and shall endeavour to reduce the number of contested facts.
- 13.14 The arbitrator shall issue a final written decision that contains findings of fact, reasons, and conclusions. The conclusions are limited to deciding whether adequate cause for discipline of the staff member has been established. The written decision shall be forwarded by the arbitrator to the Principal and to the staff member. In the case of open hearings, the written decision may be published. Where the proceedings are held in camera, the written decision shall not be made public; but publication of any portion of the written decision shall permit either party to publish the entire decision.
- 13.15 The decision of the arbitrator shall be final and binding on the staff member and on the University.

#### **Section 14 - Amendment and Repeal**

- 14.1 It is recognized that unforeseen circumstances may arise which will necessitate the amendment or repeal of these regulations and the Board of Governors accordingly reserves its right to amend or repeal the same after the Principal has sought the advice of Senate at a special meeting of Senate.

#### **Section 15 - Effective Date and Transitional Provisions**

- 15.1 The effective date of these regulations shall be the day following their adoption by the Board of Governors.

History:		
Senate	May 12, 1976	Minute 132
Board of Governors	May 31, 1976	Minute 4758
Amendments:		
Senate	September 21, 1977	Minute 13
Board of Governors	September 26, 1977	Minute 4901
Senate	October 5, 1977	Minute 18
Board of Governors	October 24, 1977	Minute 4917
Senate	October 26, 1977	Minute 28
Executive Committee	December 5, 1977	Minute 6150
Senate	May 31, 1978	Minute 131
Executive Committee	June 12, 1978	Minute 6249
Senate	May 25, 1979	Minute 111
Executive Committee	May 28, 1979	Minute 5124
Senate	September 26, 1979	Minute 12
	October 10, 1979	Minute 19
	January 30, 1980	Minute 58
Executive Committee	March 10, 1980	Minute 6501
Senate	February 27, 1980	Minute 76
Board of Governors	March 24, 1980	Minute 5220
Senate	April 9, 1980	Minute 95
Board of Governors	April 28, 1980	Minute 5234
Senate	April 23, 1980	Minute 106
Board of Governors	September 22, 1980	Minute 5268
Senate	May 27, 1981	Minutes 109, 110
Executive Committee	June 8, 1981	Minute 6662
Senate	December 9, 1981	Minute 37
Board of Governors	January 18, 1982	Minute 5461
Senate	February 10, 1982	Minute 57
Board of Governors	March 15, 1982	Minute 5489
Senate	December 8, 1982	Minute 23
Executive Committee	January 4, 1983	Minute 6861
Board of Governors	February 21, 1983	Minute 5619
Senate	March 23, 1983	Minute 53
	March 7, 1984	Minute 49
Board of Governors	April 16, 1984	Minute 5781
Senate	May 23, 1984	Minute 88
Executive Committee	June 11, 1984	Minute 7042
Senate	May 8, 1985	Minute 87
Board of Governors	May 21, 1985	Minute 5933
Executive Committee	June 3, 1985	Minute 7175
Senate	September 28, 1988	Minute 14
Board of Governors	October 17, 1988	Minute 6399
Senate	November 9, 1988	Minute 37
Board of Governors	February 20, 1989	Minutes 6552, 6555
Senate	December 13, 1989	Minute 46
Board of Governors	January 22, 1990	Minute 6657

Senate Board of Governors	February 27, 1991 March 18, 1991	Minute 92 Minute 7810
Senate Board of Governors	May 18, 1994 May 30, 1994	Minute 155 Minute 8150
Executive Committee	October 24, 1994	Minute 8357
Senate Executive Committee	February 1, 1995 March 6, 1995	Minute 73 Minute 8407
Senate Board of Governors	March 8, 1995 March 27, 1995	Minute 86 Minute 8228
Senate Board of Governors	December 4, 1996 January 27, 1997	Minute 7 Minute 6
Senate Board of Governors	March 19, 1997 April 23, 1997	Minute 6 Minute 7
Senate Board of Governors	April 16, 1997 May 26, 1997	Minute 5 Minute 7
Senate Board of Governors	May 21, 1997 May 26, 1997	Minute 7 Minute 8
Senate Board of Governors	December 6, 2000 January 29, 2001	Minute 12 Minute 7
Senate Board of Governors	March 21, 2001 April 17, 2001	Minute 7 Minute 12
Senate Board of Governors	January 30, 2002 April 15, 2002	Minute 6 Minute 9
Senate Executive Committee	April 3, 2002 April 29, 2002	Minute 8 Minute 3
Senate Board of Governors	May 15, 2002 May 27, 2002	Minute 8 Minute 4
Senate Executive Committee	September 18, 2002 October 7, 2002	Minute 9 Minute 3
Senate Board of Governors	October 16, 2002 November 25, 2002	Minute 6 Minute 7
Senate Executive Committee	October 6, 2004 November 22, 2004	Minute 10 Minute 8
Senate Board of Governors	January 12, 2005 February 7, 2005	Minute 10 Minute 10
Senate Board of Governors	May 4, 2005 May 24, 2005	Minute 12 Minute 6
Senate Executive Committee	May 25, 2005 June 20, 2005	Minute 11 Minute 6
Senate Executive Committee	May 25, 2005 June 20, 2005	Minute 12 Minute 5
Senate Board of Governors	December 7, 2005 March 6, 2006	Minute 9 Minute 6
Senate Board of Governors	March 8, 2006 April 10, 2006	Minute 5 Minute 7
Senate Executive Committee	March 5, 2008 March 17, 2008	Minute 3 Minute 5.1.1

Senate  
Executive Committee May 19, 2009

February 11, 2009  
Minute 4.1

Minute 3

Senate  
Board of Governors

May 19, 2010  
May 25, 2010

Minute IIB.6  
Minute 9.2.4

Senate  
Board of Governors

September 22, 2011  
September 27, 2011

Minute IIB7  
Minute 6

